

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARELIUS MCMURRAY,

Petitioner,

No. CIV S-05-0541 GEB DAD P

vs.

SCOTT KERNAN, Warden,

Respondent.

ORDER

Petitioner has filed a document titled "Declaration/Order for Extension of Time to File Dismissal of Recommendation from United States District Judge." Attached to the filing is a copy of the district judge's order dismissing this case on September 15, 2005. Petitioner declares that his "response, . . . as ordered by this court on Sept. 15, 2005" is due on an unspecified date and he is unable to meet the unspecified deadline. In his incomplete proof of service form, petitioner characterizes his filing as a "letter to court for extention [sic] of time to address the dismissel [sic] of Recommendations from United States District Judge."

Findings and recommendations were filed in this case on June 28, 2005. Petitioner requested and was granted an extension of time to file objections. He filed objections on August 22, 2005, and the objections were considered by the district judge. On September 15, 2005, the district judge adopted the findings and recommendations, granted respondent's motion

1 to dismiss, and dismissed this case with prejudice. The order filed September 15, 2005, does not
2 direct petitioner to file a response, and petitioner will not be granted an extension of time to file
3 further objections to findings and recommendations that have been adopted.

4 Accordingly, IT IS HEREBY ORDERED that petitioner's October 6, 2005
5 request for extension of time is denied.

6 DATED: October 21, 2005.

7 
8 _____
9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
DAD:13
mcmu0541.eot